

SPECIAL ORDINANCE NO. 14, 2023

APPLICATION FOR REZONING PETITION CITY OF TERRE HAUTE

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Common Address of lots to be rezoned:

1728 N. 8th Street, Terre Haute, IN 47804
Parcel No. 84-06-15-151-012.000-002

Rezoned From:	<u>R-3 General Residence District</u>
Rezoned To:	<u>C-2 Community Commerce District</u>
Proposed Use:	<u>Medical Clinic</u>
Name of Owners:	<u>Terre Haute Land Company, LLC</u>
Address of Owners:	<u>27 Potomac Ave</u> <u>Terre Haute, IN 47803</u>
Phone Number of Owners:	<u>c/o Richard J. Shagley II</u> <u>812-232-3388</u>
Attorney Representing Owners:	<u>Richard J. Shagley II</u>
Address of Attorney:	<u>Wright, Shagley & Lowery, P.C.</u> <u>PO Box 9849, Terre Haute, IN 47808</u>
For Information Contact:	<input type="checkbox"/> Owner <input checked="" type="checkbox"/> Attorney
Council Sponsor:	<u>Neil Garrison</u>

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COPY OF A SITE-PLAN MUST ACCOMPANY THIS APPLICATION

FILED

JUN 08 2023

**SPECIAL ORDINANCE FOR A REZONING
SPECIAL ORDINANCE NO. 14, 2023**

CITY CLERK

An Ordinance Amending Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute Indiana."

SECTION I. BE IT ORDIANED BY THE COMMON COUNCIL of the City of Terre Haute, Vigo County, State of Indiana, that Chapter 10, Article 2 of the City Code of Terre Haute, designated as the "Comprehensive Zoning Ordinance for Terre Haute" and Division 4, Section 10.121 thereof, District Maps, be, and the same is hereby amended to include as follows:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

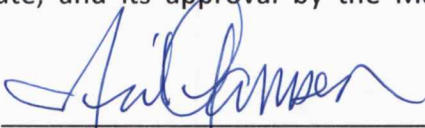
Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.

Parcel No. 84-06-15-151-012.000-002

Be and the same is hereby established as a C-2 Community Commerce Distrcit, together with all rights and privileges that may insure to said real estate and the owners thereof by virtue of the law in such cases provided, subject to all limitations and restrictions imposed thereon by deed or otherwise."

SECTION II. WHEREAS, an emergency exists for the immediate taking effect of this Ordinance, the same shall be in full force and effect from and after its passage by the Common Council of Terre Haute, and its approval by the Mayor and publication as required by law.

Presented by Council Member, _____


Neil Garrison, Councilperson

Passed in open Council this _____ day of _____, 2023.

Curtis DeBaun IV, President

ATTEST:

Michelle Edwards, City Clerk

Presented by me, to the Mayor of the City of Terre Haute, this ____ day of _____,
2023.

Michelle Edwards, City Clerk

Approved by me, the Mayor of the City of Terre Haute, this ____ day of _____,
2023.

Duke A. Bennett, Mayor

ATTEST:

Michelle Edwards, City Clerk

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each
Social Security Number in this document, unless required by law.

/s/ Richard J. Shagley II

Richard J. Shagley II

This instrument prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY,
P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

PETITION TO REZONE REAL PROPERTY

TO: THE PRESIDENT AND MEMBERS OF THE COMMON COUNCIL OF THE CITY OF TERRE HAUTE, INDIANA:

And THE PRESIDENT AND MEMBERS OF THE AREA PLAN COMMISSION FOR VIGO COUNTY, INDIANA:

LADIES AND GENTLEMAN:

The undersigned, Catherine M. Descrocher, Managing Member of Terre Haute Land Company, LLC, respectfully submits this Petition to rezone the following described real estate in the City of Terre Haute, County of Vigo, Indiana, to wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

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Parcel No. 84-06-15-151-012.000-002

Your Petitioner is informed and believes that in accordance with Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," the above-described real estate is now zoned as R-3 General Residence District.

This real estate is now vacant, and Petitioner is seeking to rezone the real estate for a medical clinic. Your Petitioner would request that the real estate described herein shall be zoned as a C-2 Community Commerce District.

Your Petitioner would allege that the Commercial Commerce District would not alter the general characteristics of this neighborhood since the neighborhood is in a mixed-use neighborhood and contains other medical facilities.

Your Petitioner would respectfully show the proposed change would not be detrimental to the public welfare or injurious to the property or improvements in the neighborhood.

WHEREFORE, your Petitioner respectfully requests that the Area Plan Commission for Vigo County and the Common Council of the City of Terre Haute, Indiana, favorably consider the passage of a Special Ordinance amending the Comprehensive Zoning

Ordinance of the city of Terre Haute, Indiana, being Chapter 10, Article 2 of the Municipal Code designated as "Comprehensive Zoning Ordinance for Terre Haute, Indiana," and declaring the above-described real estate to be part of the an C-2 Community Commerce District of the City of Terre Haute, Indiana, and entitled to the rights and benefits that may accrue to the real estate and the owners thereof by virtue of the new designation subject to all limitations imposed by deed or otherwise.

IN WITNESS WHEREOF, this Petition has been duly executed this 7TH day of June, 2023.

PETITIONER:


Catherine M. Desrocher, Member of
Terre Haute Land Company, LLC

This instrument was prepared by Richard J. Shagley II, Attorney-at-Law, WRIGHT, SHAGLEY & LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

SITE PLAN

SPECIAL ORDINANCE NO. 14, 2023



1728 N. 8th Street, Terre Haute, Indiana 47804
Parcel No. 84-06-15-151-012.000-002



R-3 General Residence District to C-2 Community Commerce District

Proposed Use: Medical Clinic

STATE OF INDIANA)
COUNTY OF VIGO) SS:

AFFIDAVIT

Comes now, Catherine M. Desrocher, Member of Terre Haute Land Company, LLC, being duly sworn upon her oath, deposes and says:

1. That Terre Haute Land Company, LLC is the owner of record of the following described real estate located in the City of Terre Haute, County of Vigo, State of Indiana, to-wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

Commonly known as: 1728 N. 8th St., Terre Haute, IN 47804.


Parcel No. 84-06-15-151-012.000-002

2. That a copy of the Deed, recorded in the records of the Recorder's Office of Vigo County, Indiana, is attached hereto and made a part hereof and marked as Exhibit A.

3. That Affiant makes this Affidavit for the sole purpose of affirming that Terre Haute Land Company, LLC is the owner of record of the above-described real estate for which a proposed change to the zoning map of the City of Terre Haute, Indiana, has been filed and to induce the Common Council of the City of Terre Haute, Indiana, to accept the Petition to Rezone Real Property as filed by Catherine M. Catherine M. Desrocher, Member of Terre Haute Land Company, LLC.

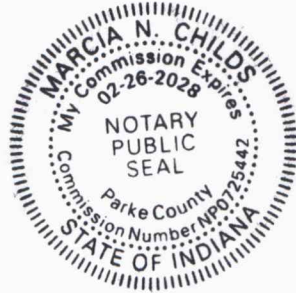
4. Further, Affiant saith not.

Dated at Terre Haute, Indiana this 7TH day of June, 2023.


Catherine M. Desrocher, Member
of Terre Haute Land Company, LLC

STATE OF INDIANA)
COUNTY OF VIGO):SS

SUBSCRIBED AND SWORN TO before me, a Notary Public in and for said County
and State, this 7th day of June, 2023.



Marcia N. Childs
Marcia N. Childs, Notary Public
My Commission expires: 02-26-2028
My County of Residence: Parke

This instrument prepared by Richard J. Shagley II, Attorney at Law, WRIGHT, SHAGLEY &
LOWERY, P.C., 500 Ohio Street, P.O. Box 9849, Terre Haute, Indiana 47807.

MAY 30 2008


VIGO COUNTY AUDITOR

WARRANTY DEED

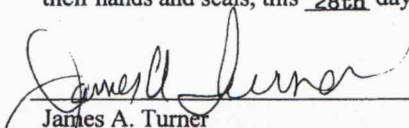
THIS INDENTURE WITNESSETH, THAT James A. Turner and Connie S. Turner, of Vigo County, State of Indiana, for and in consideration of the sum of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CONVEY AND WARRANT unto Terre Haute Land Company, LLC, of Vigo County, State of Indiana, the following described real estate located in the County of Vigo, State of Indiana, to-wit:

Lots Number 53 and 54 in Hudsons Subdivision as re-platted by Josephus Collett of Lot No. 4 and parts of Lots No. 3-5-6-7-8-9 and 10 of Spencers Subdivision of the Northwest Quarter of Section 15, Township 12 North of Range 9 West of the 2nd Principal Meridian.

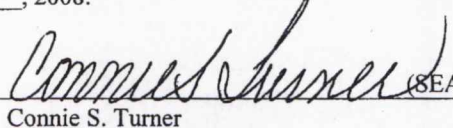
Subject to easements, covenants, restrictions, leases and other matters of record affecting title to the subject real estate.

Subject to taxes prorated to the date hereof.

IN WITNESS WHEREOF the above referred to James A. Turner and Connie S. Turner have hereunto set their hands and seals, this 28th day of May, 2008.


James A. Turner

(SEAL)


Connie S. Turner

(SEAL)

STATE OF Indiana, Vigo COUNTY, SS:

Before me, the undersigned, a Notary Public in and for said county and state, this 28th day of May, 2008, personally appeared James A. Turner and Connie S. Turner and acknowledged the execution of the annexed Deed to be their voluntary act and deed.

WITNESS my hand and Notarial Seal.

My Commission Expires:

01/12/2011

My County of residence is:

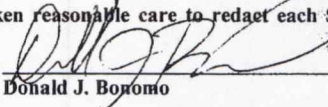
Vigo


Notary Public

Jacqueline M. Waddy

Typewritten or printed name of notary

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law.


Donald J. Bonomo

THIS INSTRUMENT WAS PREPARED BY: Donald J. Bonomo, Attorney, Cox, Zwerner, Gambill & Sullivan, LLP, 511 Wabash Avenue, Terre Haute, IN 47807. The deed was prepared at the specific request of the parties or their authorized representatives based solely on information supplied by one or more of the parties to this conveyance concerning the property to be conveyed and without examination of title or abstract. The drafter assumes no liability for any errors, inaccuracy, or omissions in this instrument resulting from the information provided and makes no representation regarding the status or quality of the title hereby conveyed by Grantor's execution and Grantee's acceptance of the instrument.

GRANTEE'S ADDRESS: 625 Woodbine Dr

MAIL TAX STATEMENTS TO: 625 Woodbine Dr Terre Haute In 47803

\\Lawfirm\vol1\USER\WilliamsD\Real Estate\HENDRICH\Deeds\Terre Haute Land Company, LLC 5/6/2008 dgw

FIRST FINANCIAL BANK
Attn: Commercial Loan Department
P.O. BOX 540
TERRE HAUTE, IN 47803-0540



Receipt of Payment

CONTROLLER

JUN - 8 2023

TERRE HAUTE, IN
PAID

The following was paid to the City of Terre Haute Controller's Office

Date

06/08/23

Name

Terre Haute Land Company

Reason

Veroning - Notice of filing \$25-

Veroning - petition - \$20/

\$45-

Cash

Check

\$45-

Ck #

073558

Credit

Total

\$45-

Received By

Gvitz